

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PASQUALE LONGORDO,

Plaintiffs,

vs.

Case No. 12-11738

VETERANS UNITED HOME LOANS,

HON. AVERN COHN

Defendant.

---

**ORDER**  
**GRANTING PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT (Doc. 9)**  
**AND**  
**DENYING DEFENDANT'S MOTION TO DISMISS WITHOUT PREJUDICE (Doc. 3)**<sup>1</sup>

I.

This a consumer rights case. Plaintiff Pasquale Longordo is suing defendant Veterans United Home Loans. The complaint, filed pro se, claims a violation of the Telephone Consumer Protection Act (TCPA). After the complaint was filed, defendant filed a motion to dismiss on the grounds the complaint fails to state a plausible claim for relief. Thereafter, plaintiff obtained counsel who filed a response to the motion to dismiss as well as a motion for leave to amend the complaint. In the motion for leave to amend, plaintiff seeks, among other things, to plead the TCPA claim with more particularity. Defendant argues that amendment should not be permitted because it would be futile.<sup>2</sup>

---

<sup>1</sup>The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78(b); E.D. Mich. LR 7.1(f)(2).

<sup>2</sup>Both defendant's motion to dismiss and response to plaintiff's motion to amend rely on affidavits, which are generally not appropriate for consideration on a Rule 12(b)(6) or Rule 15 motion.

II.

Plaintiff's motion to amend is GRANTED. See Fed. R. Civ. P. 15(a); Foman v. Davis, 371 U.S. 178, 182 (1962). Defendant's motion to dismiss is DENIED WITHOUT PREJUDICE. See Fed. R. Civ. P. 12(b)(6); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 545 (2007); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009).

The Case Manager shall schedule a status conference with the parties. The parties will be notified separately as to the date of the conference.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: July 10, 2012

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, July 10, 2012, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160